

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEINO JOHNSON

*Plaintiff,*

v.

PIETRO'S COAL OVEN PIZZERIA, INC.

*and*

AUSTIN SOUTH STREET LIMITED  
PARTNERSHIP

*Defendants.*

CIVIL ACTION

FILE No. 2:18-cv-00992-TJS

**FILED**

JUN 02 2018

KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

CONSENT JUDGMENT

AND NOW, this 29th day of June, 2018, this Court having reviewed the Pleadings and the proposed agreement of the Defendants to make all readily achievable modifications requested by the Plaintiff to bring the Property located at 121-23 South Street, Philadelphia, Pa 19147 into compliance with the Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*, and its Accessible Guidelines ("ADAAG"), it is Ordered and Decreed as follows:

a. Within 60 days after the date of this Order, Defendant Austin South Street Partnership shall be required to make the following modifications to provide an access route to the entrance of the Facility:

1. Defendants shall modify the access route in front of the accessible entrance by providing a ramp to comply with section 405 of the 2010 ADAAG Standards. The location of the new ramp should be located outside the maneuvering clearance of the accessible entrance, which shall be flat.

2. If the cost of a permanent ramp and a clear and level maneuvering clearance for the accessible entrance exceeds \$5,000.00 or is technically infeasible, it

shall be deemed not Readily Achievable to have a level maneuvering clearance for the accessible entrance. In the alternative to a permanent ramp, Defendants may be allowed to use a portable ramp as long as the surface slope of the permanent ramp does not exceed 1:10. As a readily achievable alternative, Defendants shall provide a door bell outside the entrance within reach range of a disabled individual from the sidewalk with an audible chime ringing inside the Facility. Below the doorbell Defendants shall post a sign stating "Press to Enter" and have the International Symbol of Accessibility in the sign. Defendant shall enforce a policy of having an employee bring a portable ramp to the entrance and assist a disabled patron inside the unit when the door bell is pressed.

b. Within sixty (60) days after the date of this Order, Defendant Pietro's Coal Oven Pizzeria shall be required to make the following interior modifications to the Facility:

1. 5% of the total dining surfaces in the Facility shall be compliant with section 902 of the 2010 ADAAG standards. At least one table in the exterior seating area shall be compliant with section 902 of the 2010 ADAAG standards.

2. Due to the steps leading to the restroom, it is agreed it is not readily achievable to create a direct access route to the restroom inside the Facility. If there is an alternative restroom within the parcel of the property that is on an accessible route and operated or owned by any Defendant, and it is technically feasible to do so, Defendants shall post a sign in a visible location containing the International Symbol of Accessibility and state in the sign "Accessible Restroom Available Upon Request." Defendants shall enforce a policy of guiding a disabled patron to the alternative restroom on the subject parcel. If there is no such restroom available, it is agreed it is not readily achievable to provide an accessible restroom and Defendants shall not be required to make any modifications to

the restrooms. The alternative restroom shall comply with sections 603, 604 and 606 of the 2010 ADAAG standards.

3. It is agreed it is not readily achievable to modify the bar so it has a counter with heights in accordance with section 902.3 of the 2010 ADAAG Standards. As a readily achievable alternative, Defendant shall provide one (1) table within 15 feet of the bar that is fully compliant with section 902 of the 2010 ADAAG standards.

c. Within 20 days of the date of this Order, Defendant Austin South Street Partnership shall pay One Thousand Eight Hundred Dollars (\$1,800.00) to Eric Brauer, Counsel for Plaintiff representing \$1,450.00 attorney's fees and \$350 reimbursement of filing fees and costs incurred by Plaintiff Keino Johnson, and

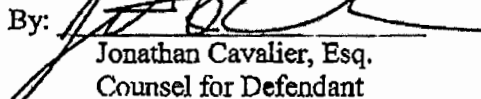
d. Within 20 days of the date of this Order, Defendant Pietro's Coal Oven Pizzeria, Inc. shall pay One Thousand Eight Hundred Dollars (\$1,800.00) to Eric Brauer, Counsel for Plaintiff representing \$1,450.00 attorney's fees and \$350.00 reimbursement of filing fees and costs incurred by Plaintiff Keino Johnson.

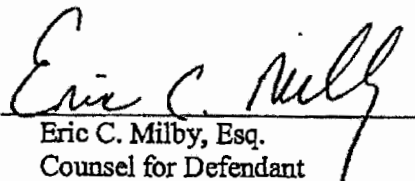
e. Subject to the completion of the above modifications, all other applicable ADAAG standards are deemed compliant or not readily achievable.

**By Consent:**

Austin South Street Limited Partnership

Pietro's Coal Oven Pizzeria, Inc

By:   
Jonathan Cavalier, Esq.  
Counsel for Defendant

By:   
Eric C. Milby, Esq.  
Counsel for Defendant

**Agreed:**

Keino Johnson

By: 

**SO ORDERED:**  
By the Court

  
TIMOTHY J. SAVAGE, J.